

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 484

INTRODUCER: Transportation Committee and Senator Gaetz

SUBJECT: Motor Vehicle Operators/Multiple Crashes

DATE: March 10, 2009

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/CS
2.			TA	
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....	<input checked="" type="checkbox"/>	Statement of Substantial Changes
B. AMENDMENTS.....	<input type="checkbox"/>	Technical amendments were recommended
	<input type="checkbox"/>	Amendments were recommended
	<input type="checkbox"/>	Significant amendments were recommended

**I. Summary:**

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to identify any operator convicted of or who pleaded nolo contendere to a traffic offense giving rise to a third crash which occurred within 36 months after the first crash, and shall require the operator, in addition other applicable penalties, to attend a DHSMV-approved driver improvement course in order to maintain driving privileges. The course must include behind-the-wheel instruction and an assessment of the operator's ability to safely operate a motor vehicle. If the operator fails to complete the course within 90 days after receiving notice from the DHSMV, the operator's driver license is canceled by the DHSMV until the course is successfully completed.

This bill substantially amends s. 322.0261 of the Florida Statutes.

**II. Present Situation:**

***Driver Improvement Courses***

Section 322.0261, F.S., requires the DHSMV to require operators convicted of, or who pled nolo contendere to, a traffic offense involving: (1) a crash in which a death or bodily injury requires

transport to a medical facility; or (2) a second crash by the same operator within the previous two-year period which involves property damage in an apparent amount of at least \$500, to attend a departmentally approved driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days of receiving notice from the DHSMV, the operator's driver's license must be canceled until the course is successfully completed. In determining whether to approve a driver improvement course, the DHSMV considers course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

### **III. Effect of Proposed Changes:**

The bill amends s. 322.0261, F.S., to require the DHSMV to identify any operator convicted of or who pleaded nolo contendere to a third crash which occurred within 36 months after the first crash, and shall require the operator, in addition other applicable penalties, to attend a DHSMV-approved driver improvement course in order to maintain driving privileges. The course must include behind-the-wheel instruction and an assessment of the operator's ability to safely operate a motor vehicle. If the operator fails to complete the course within 90 days after receiving notice from the DHSMV, the operator's driver license is canceled by the DHSMV until the course is successfully completed.

Since there currently is not a DHSMV-approved driver improvement course offered that includes behind-the-wheel instruction, the bill will require the development of special course requirements and curricula.

#### **Other Potential Implications:**

None.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Persons found guilty of a third crash within 36 months would be required to attend a driver improvement school that includes behind-the-wheel instruction and an assessment of the person's ability to safely operate a motor vehicle to retain driving privileges. According to DHSMV, driving schools offer driver improvement courses on average for \$30 - \$50. Currently, there are no DHSMV-approved driver improvement courses offered that include behind-the-wheel instruction, of which, the cost is unknown; however, the DHSMV estimates a cost of \$300 - \$500.

Based on DHSMV's review of the driver license database for calendar years 2005, 2006, and 2007, there were 3,682 licensed drivers who have had three or more crashes within these three years.

According to the DHSMV, the bill will generate minimal revenue. Section 318.1451, F.S., requires, in addition to a regular course fee, a \$2.50 assessment fee to be collected by the driving school from each person electing to attend a course. The assessment fee is remitted to DHSMV and deposited into the Highway Safety Operating Trust Fund. The DHSMV estimates an increase in revenue totaling \$9,205 over a three year period, or \$3,068 in revenue per year based on requiring 3,682 persons found guilty of a third crash within 36 months attending the driver improvement school.

**C. Government Sector Impact:**

According to the DHSMV, the bill will require programming modifications to the Driver License Information System the cost of which can be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on 3/10/09:**

The CS changes the effective date of the CS to January 1, 2010, to allow the DHSMV sufficient time for implementation to make necessary programming modifications to the Driver License Software Systems.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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